C/Flour Mills/52

1952

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File No. 62/52
Legal Deptt.
G **BRANCH**

Subject:— Opinion on the Bombay Flour Mills (Chakki) Licensing Order 1947

C/Flour Mills/52

File No. 62/52

Gen. 194 e.

C O N T E N T S

Legal Department File No. C. Flour Mills/52

Sr. No.	H.I./C.No.	Subject	Pages.
		Opinions on the Bombay flour mills (Chakki) Licensing Order, 1949.	
1	C-246 10/6/52	Question whether every flour mill must have a seperate licence although more than one flour mill is set up by one owner in one building.	1-4
2	C-308 9/7/52	Question whether it is not necessary to make specific provision in the Bombay Flour Mills (Chakki) licensing Order 1949, itself enabling the D.M. to fix milling rates	5-6

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On reading clause 3 and the provisions contained in the license form, it is evident that what is licensed is the business of grinding foodgrains by power driven machinery and not the premises where such business is carried nor the machinery itself although the licensee is bound to carry on his business only at the place specified in the license. 'Flour Mill' is defined in clause 2(b) of the said order as meaning any mill where any of the foodgrains are converted into flour by means of power driven machinery. The use of the word 'where' in this definition and the whole definition itself indicate that the word 'mill' is used in the sense of the premises where the process of grinding goes on rather than in the sense of the grinding machinery. Clause 4 provides that if a person manages more than one flour mill a separate application shall be made in respect of each such mill. If a person has two or three grinding machines in one premises, then it would be a one one Mill and separate license for each such machine would not be necessary. But if he has grinding machines in separate premises which are treated as separate units- whether they may be in the same building or not- he would require a separate license for each such premises.

CC. Sd/- 7/6

Remembrancer of Legal Affairs.

U.R. to C.S.D. No. G-246, dated the 10th June 1952

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The view taken by the Civil Supplies Department that it is not necessary to make specific provision in the Bombay Flour Mills (Chakki) Licensing Order, 1949 itself enabling the District Magistrate to fix milling rates, is correct. Clause 3(1) of the said Order provides that no person shall carry on the business of grinding foodgrains by power driven machinery except under and in accordance with the conditions of licence issued under the said Order. Condition 2 of of the licence provides that the lincesee shall not charge or cause to be charged from a customer a rate, if any has been fixed by the licensing authority for grinding foodgrains in excess of the rate so fixed. If therefore the licensing authority which is District Magistrate in the District fixes a rate for grinding foodgrains, then the licensee cannot charge any rate in excess of that rate and if he does so, he can be prosecuted for breach of clause3(1) or departmental action by way of cancellation of his licence or forefeiture of his deposit can be taken against him under clause 7.

OC. Sd/-
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Remembrancer of Legal Affairs.

U.R.to C.S.D. No. G-308, dated the 9th July 1952.

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